

E2SSB 5688 - H AMD 673

By Representative Shea

FAILED 4/15/2009

1 On page 4, after line 22, insert the following:

2

3 NEW SECTION. Sec. 1. A new section is added to chapter 26.60 RCW
4 to read as follows:

5 (1) The legislature recognizes that the First Amendment to the
6 United States Constitution provides that "Congress shall make no law
7 respecting an establishment of religion, or prohibiting the free
8 exercise thereof...." and Article I, section 11 of the Washington
9 state Constitution provides that "Absolute freedom of conscience in
10 all matters of religious sentiment, belief and worship, shall be
11 guaranteed to every individual...."

12 (2) The legislature further recognizes that there is a substantial
13 and distinct difference between a person's discriminating decisions or
14 acts based on one's view of another person's sexual orientation versus
15 a person's discriminating decisions or acts based on one's view of
16 marriage, including marriage as a civil union only between one man and
17 one woman. The legislature further finds that such decisions or acts
18 are not one and the same since one decision or act is based on a
19 person's view of sexual orientation and the other decision or act is
20 based on a person's view of marriage, regardless of a person's sexual
21 orientation.

22

23 NEW SECTION. Sec. 2. A new section is added to chapter 26.60 RCW
24 to read as follows:

25 Pursuant to the United States and Washington state Constitutions,
26 every person enjoys freedom of religion, therefore, any private
27 individual, organization, including any religious sect, denomination,

1 or society, or any other entity, lawfully acting consistent with a
2 sincerely held religious belief regarding what constitutes marriage,
3 including marriage as a civil union only between one man and one
4 woman, shall be immune from civil and criminal liability for any
5 refusal to participate in, endorse, facilitate, or otherwise assist,
6 any marriage or marriage ceremony, reception, or other activity
7 related to marriage, or any domestic partnership or domestic
8 partnership ceremony, reception, or other activity related to such
9 domestic partnership, that conflicts with those sincerely held
10 religious beliefs.

11
12 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.60 RCW
13 to read as follows:

14 (1) The legislature recognizes that the First Amendment to the
15 United States Constitution provides that "Congress shall make no
16 law...abridging the freedom of speech...." and Article I, section 5 of
17 the Washington state Constitution provides that "Every person may
18 freely speak, write and publish on all subjects, being responsible for
19 the abuse of that right."

20 (2) The legislature further recognizes that there is a substantial
21 and distinct difference between lawfully expressing one's belief or
22 opinion for or against domestic partnerships based on one's view of a
23 person's sexual orientation versus lawfully expressing one's beliefs
24 or opinions for or against domestic partnerships based on one's view
25 of marriage, including marriage as a civil union only between one man
26 and one woman. The legislature further finds that such expressions of
27 belief are not one and the same since one form of speech is based on
28 the person's view of a person's sexual orientation and the other form
29 of speech is based on the person's view of marriage, regardless of a
30 person's sexual orientation.

31
32 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.60 RCW
33 to read as follows:

1 Pursuant to the United States and Washington state Constitutions,
2 every person enjoys freedom of speech, and therefore any private
3 individual, organization, including any religious sect, denomination,
4 or society, or any other entity, is immune from civil and criminal
5 liability for any lawful speech expressing its beliefs or opinions
6 regarding domestic partnerships or other types of civil unions and for
7 any lawful speech expressing its beliefs or opinions regarding
8 marriage, including marriage as a civil union only between one man and
9 one woman."

10

11 Renumber the remaining sections consecutively and correct any
12 internal references accordingly. Correct the title.

EFFECT: Recognizes the provisions on freedom of speech and
freedom of religion granted by the U.S. and state Constitutions.

Provides that the Legislature recognizes that there is a
difference between a discriminating decision or act, or the lawful
expression of one's belief, based on one's view of a person's
sexual orientation versus a discriminating decision or act, or the
lawful expression of one's belief, based on one's view of what
constitutes marriage.

Provides that a person, organization, or religious entity is
immune from civil and criminal liability for: (1) lawful speech
expressing its beliefs about domestic partnerships and civil
unions and its beliefs about marriage; and (2) lawfully acting
consistently with its sincerely held religious beliefs by refusing
to participate in, endorse, facilitate, or otherwise assist any
marriage, marriage ceremony, reception or other activity, or any
domestic partnership, domestic partnership ceremony, reception, or
other activity.

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